

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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HARRISON FRANKLIN,

Plaintiff,

ORDER

13-cv-452-wmc

DYLON RADTKE,

Defendant.

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Plaintiff Harrison Franklin, a prisoner incarcerated in the Wisconsin Department of Corrections at the Columbia Correctional Institution, has filed a proposed civil action under 42 U.S.C. § 1983.<sup>1</sup> With the exception of habeas corpus proceedings, the fee for civil actions filed after May 1, 2013 is \$400 unless a litigant qualifies as indigent under the federal *in forma pauperis* statute, 28 U.S.C. § 1915, in which case the fee is \$350. To date, plaintiff has neither paid the filing fee nor requested leave to proceed *in forma pauperis* in this case. For this case to proceed, plaintiff must pay the \$400 filing fee or submit a properly supported motion for leave to proceed *in forma pauperis* no later than July 18, 2013.

In the event that he requests leave to proceed *in forma pauperis*, plaintiff is advised that he must comply with the Prisoner Litigation Reform Act (PLRA), 28 U.S.C. § 1915(b), which requires indigent inmates to pay by installment the entire filing fee for civil actions and appeals. The federal *in forma pauperis* statute does not permit a court to waive a prisoner's entire obligation to pay filing fees, but it does allow a qualifying individual to proceed without prepaying some or all of the filing fee. To determine whether plaintiff qualifies as indigent, any

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<sup>1</sup> The claims in this case were filed originally in *Franklin v. Grams, et al.*, 11-cv-736 (W.D. Wis.). In an order entered in that case on June 13, 2013, Franklin was instructed to file his claims against defendant Dylan Radtke in a separate complaint.

motion for leave to proceed *in forma pauperis* must include a certified copy of his inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the date of his complaint (June 22, 2013). *See* 28 U.S.C. § 1915(a)(2).

ORDER

IT IS ORDERED that:

1. No later than July 18, 2013, plaintiff Harrison Franklin shall pay the \$400 filing fee or submit a properly supported motion for leave to proceed *in forma pauperis* together with a certified copy of his inmate trust fund account statement for the six-month period from the date of the complaint (June 22, 2013 through at least December 22, 2012).
2. **Plaintiff is advised that, if he fails to comply as directed or show cause of his failure to do so, the court will assume that he does not wish to proceed and this case will be dismissed without further notice pursuant to Fed. R. Civ. P. 41(a).**

Entered this 27th day of June, 2013.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge